

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DWAYNE J. WINGO,)	
)	
Petitioner,)	
)	
v.)	No. 4:09-CV-88 CAS
)	
ROY MUELLER,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s pretrial petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The petition will be summarily dismissed.

Petitioner is a pretrial detainee at the St. Louis County Justice Center awaiting trial for first degree robbery. Petitioner claims that he previously demanded that the Court set the case for trial within 180 days pursuant to the Uniform Mandatory Disposition of Detainers Law, Mo. Rev. Stat. § 217.460 (the “UMDDL”). Petitioner says that the state has failed to try his case within the time mandated by the UMDDL, and he requests that this Court compel the state courts to comply with the UMDDL. The petition contains no other ground for relief.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a habeas petition if it plainly appears that the petitioner is not entitled to relief. Rule 4 applies to habeas petitions arising under 28 U.S.C. § 2241. See Rule 1(b) of the Rules Governing § 2254 Cases.

“The question of whether the state violated its own speedy trial statute is a matter for the state courts” and is not cognizable on federal habeas review. Matthews v. Lockhart, 726 F.2d 394, 396 (8th Cir. 1984). As a result, the Court will summarily dismiss the petition.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is **GRANTED**. [Doc. 2]

IT IS FURTHER ORDERED that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

An Order of Dismissal shall accompany this Memorandum and Order.

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 26th day of January, 2009.